

**PRODUCT:** 798 cases, each containing 24 1-pound, 13-ounce cans, of diced peaches and pears at Kahului, Maui, T. H. Examination showed that the product was not diced, but chopped and mushy pieces of peaches and pears undergoing active decomposition.

**LABEL, IN PART:** "Flotill Diced Peaches and Pears in Light Syrup \* \* \* Packed by Flotill Products in Stockton, Calif."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the label statement "Diced Peaches and Pears" was false and misleading as applied to an article consisting of chopped and mushy peaches and pears.

**DISPOSITION:** September 6, 1946. Flotill Products, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond, conditioned that the fit portion be segregated, relabeled, repacked, and disposed of under the supervision of the Food and Drug Administration.

**10803. Misbranding of canned prunes. U. S. v. 230 Cases \* \* \*. (F. D. C. No. 19395. Sample No. 36808-H.)**

**LIBEL FILED:** April 2, 1946, Eastern District of Washington.

**ALLEGED SHIPMENT:** On or about January 2, 1946, by the Royal Canning Co., from Silverton, Oreg.

**PRODUCT:** 230 cases, each containing 24 1-pound, 14-ounce cans, of prunes at Yakima, Wash. Examination showed that the product was not fancy, because of the large number of prunes seriously blemished with gummosis and other unsightly areas.

**LABEL, IN PART:** "Fancy Grade Reliance Fresh Italian Prunes In Heavy Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (a), the label statement "Fancy Grade Fresh Italian Prunes In Heavy Syrup" was false and misleading.

**DISPOSITION:** May 17, 1946. The Royal Canning Co., claimant, having consented to the entry of a decree, judgment was entered ordering the product released under bond to be relabeled under the supervision of the Food and Drug Administration.

**10804. Misbranding of canned fruit cocktail. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 18662. Sample No. 46608-H.)**

**LIBEL FILED:** January 8, 1946, Eastern District of South Carolina.

**ALLEGED SHIPMENT:** On or about November 7, 1945, by the Drew Canning Co., from Alameda, Calif.

**PRODUCT:** 98 cases, each containing 24 1-pound, 13-ounce cans, of fruit cocktail at Charleston, S. C.

**LABEL, IN PART:** "Drew Fruit Cocktail in Light Syrup."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard for canned fruit cocktail since, in the mixture of drained fruit, the article contained more than 50 percent by weight of pitted, peeled, and diced peaches, and less than 25 percent by weight of peeled, cored, and diced pears; and, Section 403 (a), the label vignette of an individual serving of fruit cocktail containing three halves of maraschino cherries, or about 12 percent of the fruit in the serving, was false and misleading since the article contained only about 2 percent of maraschino cherries.

**DISPOSITION:** February 28, 1946. I. M. Pearlstine and Sons, Charleston, S. C., claimant, having admitted that the product was misbranded, judgment of condemnation was entered and the product was ordered released under bond, conditioned that it be relabeled in compliance with the law, under the supervision of the Food and Drug Administration.

**10805. Misbranding of canned fruit cocktail. U. S. v. 98 Cases \* \* \*. (F. D. C. No. 18345. Sample No. 30782-H.)**

**LIBEL FILED:** November 7, 1945, District of Nebraska.

**ALLEGED SHIPMENT:** On or about October 13, 1945, by National Retailer-Owned Grocers, Inc., from Oakland, Calif.

**PRODUCT:** 98 cases, each containing 24 1-pound, 13-ounce cans, of fruit cocktail at Omaha, Nebr.

**LABEL, IN PART:** "Drew Fruit Cocktail in Light Syrup \* \* \* Packed By Drew Canning Co. Campbell, Santa Clara County, California [vignette of cherries in individual serving]."

**NATURE OF CHARGE:** Misbranding, Section 403 (g) (1), the article failed to conform to the definition and standard of identity for canned fruit cocktail. The regulations require that canned fruit cocktail contain not more than 50 percent by weight of pitted, peeled, and diced peaches, and not less than 25 percent by weight of peeled, cored, and diced pears (together with specified quantities of grapes, pineapple, and cherries). The article contained a larger percentage of peaches and a smaller percentage of pears than required by the regulations.

Further misbranding, Section 403 (a), the vignette on the label depicting an individual serving of fruit cocktail containing three halves of maraschino cherries, or about 12 percent of the fruit in the serving, was false and misleading since the article contained only about 2 percent of maraschino cherries.

**DISPOSITION:** December 31, 1945. No claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to charitable institutions.

**10806. Adulteration of dried figs. U. S. v. Clara Val Packing Co. Plea of nolo contendere. Fine, \$150.** (F. D. C. No. 19026. Sample Nos. 3102-H, 27646-H, 28736-H.)

**INFORMATION FILED:** February 13, 1946, Northern District of California, against the Clara Val Packing Co., a partnership, Morgan Hill, Calif.

**ALLEGED SHIPMENT:** On or about March 20 and 31, 1945, from the State of California into the States of Maryland and Washington.

**LABEL, IN PART:** "Clara-Val \* \* \* Figs."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of insects, insect and worm fragments, rodent excreta, rodent hairs, cat hairs, and feather fragments; and, Section 402 (a) (4), it had been prepared and packed under insanitary conditions whereby it may have become contaminated with filth.

**DISPOSITION:** July 18, 1946. A plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of \$50 on each count, a total fine of \$150.

**10807. Adulteration of raisins. U. S. v. 474 Cases \* \* \* (and 2 other seizure actions).** (F. D. C. Nos. 18955 to 18957, incl. Sample Nos. 41818-H to 41820-H, incl.)

**LIBEL FILED:** On or about January 14, 1946, Eastern, Northern, and Middle Districts of North Carolina.

**ALLEGED SHIPMENT:** On or about October 24, 1945, by the El Mar Packing Co., Fresno, Calif.

**PRODUCT:** 474 cases at Durham, N. C., 288 cases at Sanford, N. C., and 957 cases at Wilmington, N. C., each case containing 20 pounds of raisins.

**LABEL, IN PART:** "Cal Ray Brand Three Crown Muscat Layer Raisins."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy and decomposed substance by reason of the presence of insect-infested and fermented raisins.

**DISPOSITION:** February 5, 1946. The cases having been consolidated in the Eastern District of North Carolina, and the El Mar Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be disposed of in compliance with the law, under the supervision of the Food and Drug Administration.

**10808. Adulteration of raisins. U. S. v. 130 Cartons \* \* \*. (F. D. C. No. 18562. Sample No. 36688-H.)**

**LIBEL FILED:** December 13, 1945, Western District of Washington.

**ALLEGED SHIPMENT:** On or about September 28, 1945, from Fresno, Calif.